

FORM NLRB-501
(3-21)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

13-CA-304894

Date Filed

10/6/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer El Milagro LLC El Milagro Tortilla Inc. El Milagro Corp.		b. Tel. No. (773) 579-6120
d. Address (Street, city, state, and ZIP code) 3120 W 36th St, Chicago, IL 60632		c. Cell No.
e. Employer Representative (b) (6), (b) (7)(C)		f. Fax No. 773-650-4690
i. Type of Establishment (factory, mine, wholesaler, etc.) Food production, Food preparation		g. e-mail elmilagro@al-milagro.com
j. Identify principal product or service Tortilla, tamales, dough, chips, restaurant		h. Number of workers employed 500

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

After El Milagro workers participated in several concerted protected activities to improve their working conditions, the company started calling them to individual meetings with a religious leader and a psychologist to inquire "about their wellbeing" in the factory. Workers feel intimidated by this meetings, where their religious believes and their participation in concerted activities has been questioned.

Also, the company hired (b) (6), (b) (7)(C) to meet with workers to tell them that the NLRB (b) (6), (b) (7)(C) was meaningless and (b) (6), (b) (7)(C)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Arise Chicago Worker Center / (b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code) Arise Chicago 1700 W Hubbard, 2E Chicago, IL 60622		4b. Tel. No. 773-769-6000
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No. 844-270-4436
		4e. e-mail (b) (6), (b) (7)(C)@arisechicago.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

(b) (6), (b) (7)(C) / ARISE CHICAGO WORKERS CENTER, 1700 W HUBBARD ST, 2E, CHICAGO, IL 60622,

(b) (6), (b) (7)(C) DECLARATION I declare that the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 773-769-6000
_____ (Printtype name and title or office, if any)		Office, if any, Cell No. (b) (6), (b) (7)(C)
Address 1700 W Hubbard, 2E, Chicago, IL 60622		Fax No. 844-270-4436
Date 10/04/2022		e-mail (b) (6), (b) (7)(C)@arisechicago.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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October 11, 2022

(b) (6), (b) (7)(C)

El Milagro Corp.; El Milagro LLC
3120 West 36th Street
Chicago, IL 60632

Re: El Milagro, LLC.
Case 13-CA-304894

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and whose e-mail address is christopher.lee@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner Joyce Ann Trejo whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by October 20, 2022. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Angie Cowan Hamada
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EL MILAGRO, LLC.

Charged Party

and

ARISE CHICAGO WORKER CENTER

Charging Party

Case 13-CA-304894

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 11, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
El Milagro Corp.; El Milagro LLC
3120 West 36th Street
Chicago, IL 60632

October 11, 2022

Date

Brendan Zarling, Designated Agent of
NLRB

Name

/s/ Brendan Zarling

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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October 11, 2022

(b) (6), (b) (7)(C)

Arise Chicago Worker Center
1700 West Hubbard, Suite 2E
Chicago, IL 60622

Re: El Milagro, LLC.
Case 13-CA-304894

Dear **(b) (6), (b) (7)(C)**:

The charge that you filed in this case on October 06, 2022 has been docketed as case number 13-CA-304894. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and whose e-mail address is christopher.lee@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner Joyce Ann Trejo whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

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* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angie Cowan Hamada", with a long horizontal flourish extending to the right.

Angie Cowan Hamada
Regional Director

cc: (b) (6), (b) (7)(C)
1700 W Hubbard Street, 2E
Chicago, IL 60622

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

El Milagro LLC
El Milagro Tortilla Inc.
El Milagro Corp.

CASE 13-CA-304894

REGIONAL DIRECTOR

EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
El Milagro LLC, El Milagro Tortilla Inc., El Milagro Corp.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

REPRESENTATIVE IS AN ATTORNEY

IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

Justin F. Keith
NAME: _____
MAILING ADDRESS: Greenberg Truarig, One International Place, Suite 2000, Boston, MA 02110

E-MAIL ADDRESS: justin.keith@gtlaw.com
OFFICE TELEPHONE NUMBER: 617-310-3230
CELL PHONE NUMBER: 617-504-1774 FAX: 617-897-0930
SIGNATURE: 
(Please sign in ink.)
DATE: October 19, 2022

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
13-CA-304894	12-08-2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer El Milagro LLC, El Milagro Tortilla Inc. & El Milagro Corp.		b. Tel. No. (773)579-6120
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 3120 West 36th Street, Chicago, IL 60632	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No. (773)523-1009
		g. e-mail clmilagro@el-milagro.com
		h. Number of Workers Employed 500
i. Type of Establishment (factory, mine, wholesaler, etc.) Food production & preparation	j. Identify Principal Product or Service Tortillas, tamales, dough, chips, restaurant	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named Employer engaged in the following conduct to discourage employees from engaging in protected, concerted activities:

- Made implied threats of discharge
- Interfered with employees right to engage in protected concerted activities
- Made statements of futility to employees for engaging in protected concerted activities

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Arise Chicago Worker Center (b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

Arise Chicago
1700 West Hubbard, Suite 2E
Chicago, IL 60622

4b. Tel. No.

(773)769-6000

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

(844)270-4436

4e. e-mail

(b) (6), (b) (7)(C) @arisechicago.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

knowledge and belief.

(b) (6), (b) (7)(C)

Tel. No.

(773)769-6000

O

(b) (6), (b) (7)(C)

(signature) making charge)

(Print type name and title or office, if any)

Fax No.

(844)270-4436

Address: 1700 West Hubbard, Suite 2E,
Chicago, IL 60622

Date

12/8/2022

e-mail

(b) (6), (b) (7)(C) @arisechicago.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
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Telephone: (312)353-7570
Fax: (312)886-1341



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December 9, 2022

(b) (6), (b) (7)(C)

El Milagro Corp.; El Milagro LLC
3120 West 36th Street
Chicago, IL 60632

Re: El Milagro, LLC.
Case 13-CA-304894

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and email address is Christopher.Lee@nlrb.gov. If the agent is not available, you may contact Supervisor Field Examiner Joyce Ann Trejo whose telephone number is (312)353-7609.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended by December 23, 2022. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angie C. Hamada", with a long horizontal flourish extending to the right.

Angie Cowan Hamada
Regional Director

Enclosure: Copy of first amended charge

cc: Justin F. Keith, Attorney
Greenberg Traurig, LLP
One International Place Suite 2000
Boston, MA 02110-2602

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EL MILAGRO CORP.; EL MILAGRO LLC

Charged Party

and

ARISE CHICAGO WORKER CENTER

Charging Party

Case 13-CA-304894

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 9, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

El Milagro Corp.; El Milagro LLC
3120 West 36th Street
Chicago, IL 60632

Justin F. Keith, Attorney
Greenberg Traurig, LLP
One International Place Suite 2000
Boston, MA 02110-2602

December 9, 2022

Date

Marshan Donegan, Designated Agent of NLRB

Name

/s/ *Marshan Donegan*

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
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December 9, 2022

(b) (6), (b) (7)(C)

Arise Chicago Worker Center
1700 West Hubbard, Suite 2E
Chicago, IL 60622

Re: El Milagro, LLC.
Case 13-CA-304894

Dear **(b) (6), (b) (7)(C)**:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and email address is Christopher.Lee@nlrb.gov. If the agent is not available, you may contact Supervisor Field Examiner Joyce Ann Trejo whose telephone number is (312)353-7609.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

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Angie Cowan Hamada
Regional Director

cc: (b) (6), (b) (7)(C)
1700 W Hubbard Street, 2E
Chicago, IL 60622

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

El Milagro Corp.; El Milagro LLC

and

Individual

CASE 13-CA-304894

El Milagro, LLC

REGIONAL DIRECTOR

EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
El Milagro

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

REPRESENTATIVE IS AN ATTORNEY

IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

Elizabeth Mincer
NAME: _____
30 South 17th Street
MAILING ADDRESS: _____
Philadelphia PA
E-MAIL ADDRESS: emincer@duanemorris.com
OFFICE TELEPHONE NUMBER: 2159791859
CELL PHONE NUMBER: _____ FAX: _____
SIGNATURE: 
DATE: ^(Please sign in ink.) Friday, June 16, 2023 12:33 PM (UTC-05:00) Eastern Time (US & Canada)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**EL MILAGRO, INC.
EL MILAGRO, LLC**

and

ARISE CHICAGO WORKER CENTER

**Cases: 13-CA-283759
13-CA-284828
13-CA-304894**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT
AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 13-CA-283759, Case 13-CA-284828 and Case 13-CA-304894, which are based on charges filed by Arise Chicago Worker Center (Charging Party), against El Milagro, Inc./El Milagro, LLC (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that El Milagro, Inc./El Milagro, LLC (Respondent) has violated the Act as described below.

I

(a) The charge in case 13-CA-283759 was filed by the Charging Party on September 30, 2021, and a copy was served on Respondent by U.S. Mail on September 30, 2021.

(b) The first amended charge in case 13-CA-283759 was filed by the Charging Party on February 14, 2023, and a copy was served on Respondent by U.S. Mail on February 15, 2023.

(c) The charge in case 13-CA-284828 was filed by the Charging Party on October 19, 2021, and a copy was served on Respondent by U.S. Mail on October 21, 2021.

(d) The first amended charge in case 13-CA-284828 was filed by the Charging Party on November 2, 2021, and a copy was served on Respondent by U.S. Mail on November 3, 2021.

(e) The second amended charge in case 13-CA-284828 was filed by the Charging Party on February 14, 2023, and a copy was served on Respondent by U.S. Mail on February 15, 2023.

(f) The charge in case 13-CA-304894 was filed by the Charging Party on October 6,

2022, and a copy was served on Respondent by U.S. Mail on October 11, 2022.

(g) The first amended charge in case 13-CA-304894 as filed by the Charging Party on December 8, 2022, and a copy was served on Respondent by U.S. Mail on December 9, 2022.

II

(a) At all material times, Respondent has been an Illinois corporation with facilities and offices located at 3050 W 26th Street, Chicago, IL (Respondent's 26th Street facility), 2154 S Western Ave., Chicago, IL (Respondent's 21st Street facility), 2759 S Kedzie Ave., Chicago, IL (Respondent's Kedzie facility), 3120 W 36th Street, Chicago, IL (Respondent's 36th Street facility), 2919 S Western Ave., Chicago, IL (Respondent's 31st Street facility), 2400 W 21st Pl, Chicago, IL (Respondent's 21st Place facility), 3110 W 28th St, Chicago, IL (Respondent's 28th Street facility), 7501 W Cermak Rd #Vc2, North Riverside, IL (Respondent's Cermak facility), 1923 S Blue Island Ave, Chicago, IL (Respondent's Blue Island facility) and has been engaged in the production and sale of tortillas and food products.

(b) During the preceding twelve months, a representative period, Respondent, in conducting business operations described above in paragraph II (a), purchased and received goods and materials valued in excess of \$50,000 directly from points outside the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

III

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
	-	
	-	

(b) At all material times, (b) (6), (b) (7)(C) held the position of Respondent's (b) (6), (b) (7)(C) and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

IV

(a) About September of 2021, the exact date being unknown, Respondent, at Respondent's 21st Street facility, 31st Street facility and 36th Street facility, has held mandatory meetings for its employees during their working time to listen to Respondent's unsolicited views on employees' protected concerted and/or union activities and to discourage such activity.

(b) About October 2021, the exact date being unknown, Respondent, at Respondent's 26th Street facility, has held mandatory meetings for its employees during their working time to listen to Respondent's unsolicited views on employees' protected concerted and/or union activities and to discourage such activity.

(c) About November and December 2021, the exact date being unknown, Respondent, at Respondent's Kedzie facility has held mandatory meetings for its employees during their working time to listen to Respondent's unsolicited views on employees' protected concerted and/or union activities and to discourage such activity.

(d) About September 2021, Respondent, by (b) (6), (b) (7)(C), at mandatory meetings at the 31st Street facility and 21st Street facility as described above in paragraph IV (a):

- (i) Interfered with employees Section 7 rights by telling them they do not need outside groups and instructed them to not seek help or sign anything from outside organizations.
- (ii) Threatened employees with loss of vacation or other benefits if they continued to engage in protected concerted activities.
- (iii) Interfered with employees Section 7 rights by telling them they should not bring in a union.
- (iv) Made an implied threat of closure to employees if they continued to engage in protected, concerted activities.
- (v) Threatened employees with (b) (6), (b) (7)(C) in response to their protected concerted activity by telling them employees would be (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and employees would lose their jobs.

(e) About September 2021, Respondent, by (b) (6), (b) (7)(C), at the Kedzie facility:

- (i) Threatened employees with unspecified reprisals if they continued to refer people to Charging Party.
- (ii) Interfered with employees Section 7 rights by instructing them to refrain from engaging the protected concerted activity of referring people to Charging Party.

(f) About September of 2021, Respondent, by (b) (6), (b) (7)(C), at the 31st Street facility, by sitting in a room overlooking the break room and work floor, created an impression among its employees that their protected, concerted activities were under surveillance by Respondent.

(g) Respondent, by (b) (6), (b) (7)(C), about October 2021, at a mandatory meeting at the 26th Street facility as described above in paragraph IV (b), threatened (b) (6), (b) (7)(C) if employees went (b) (6), (b) (7)(C) for assistance.

(h) About September and October of 2021, the exact date being unknown, Respondent, in response to employees engaging in protected, concerted activities, increased security guard presence at its facilities listed below and as described above in paragraph II (a).

- (i) Respondent's 26th Street facility
- (ii) Respondent's 21st Street facility
- (iii) Respondent's Kedzie facility
- (iv) Respondent's 36th Street facility
- (v) Respondent's 31st Street facility

(i) About November or December 2021, the exact date being unknown, Respondent, by (b) (6), (b) (7)(C), at mandatory meetings at the Kedzie facility, interfered with employees Section 7 rights by telling them they should not bring in a union.

(j) About August of 2022, Respondent, by its immigration attorney at the 31st Street facility, made an implied threat of discharge and interfered with employees Section 7 rights by telling them Respondent would have to think about keeping an employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(k) About September of 2022, Respondent, by its immigration attorney at the 31st Street facility, interfered with employees Section 7 rights by telling employees if was futile to engage in protected concerted activity (b) (6), (b) (7)(C) by speaking to Charging Party.

V

(a) By the conduct described above in paragraph IV, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

(b) The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph IV, the General Counsel seeks an Order requiring Respondent to hold a meeting or meetings with Respondent's employees, scheduled to ensure the widest possible attendance on each shift and at each location described above in paragraph II(a), at which a responsible management official of the Respondent will read the Notice in English and Spanish to employees on work time in the presence of a Board Agent and representatives from the Charging Party. The General Counsel further seeks all relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before April 5, 2023, or postmarked on or before April 4, 2023.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the

detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **July 17, 2023, 10:00am at 219 South Dearborn, Suite 808, Chicago, IL 60604**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: March 22, 2023

/s/ Angie Cowan Hamada

Angie Cowan Hamada
Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-283759

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)
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elmilagro@el-milagro.com

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elmilagro@el-milagro.com

Justin F. Keith , Attorney
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justin.keith@gtlaw.com

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Chicago, IL 60622

(b) (6), (b) (7)(C)
Arise Chicago Worker Center
1700 W Hubbard Street, 2E
Chicago, IL 60622
(b) (6), (b) (7)(C) @arisechicago.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**EL MILAGRO, INC.
EL MILAGRO, LLC**

and

ARISE CHICAGO WORKER CENTER

**Cases: 13-CA-283759
13-CA-284828
13-CA-304894**

**AFFIDAVIT OF SERVICE OF ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 22, 2023, I served the above-entitled document(s) by **electronic or first class mail**, as noted below, upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
El Milagro, LLC
3120 West 36th Street
Chicago, IL 60632
elmilagro@el-milagro.com

ELECTRONIC MAIL

(b) (6), (b) (7)(C)
El Milagro, LLC
3120 West 36th Street
Chicago, IL 60632
elmilagro@el-milagro.com

ELECTRONIC MAIL

Justin F. Keith , Attorney
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ELECTRONIC MAIL

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FIRST CLASS MAIL

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Arise Chicago Worker Center
1700 W Hubbard Street, 2E
Chicago, IL 60622

(b) (6), (b) (7) [@arisechicago.org](mailto:arisechicago.org)

ELECTRONIC MAIL

March 22, 2023

Date

Marshan Donegan, Designated Agent of NLRB

Name

/s/ Marshan Donegan

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

EL MILAGRO, INC.
EL MILAGRO, LLC

and

ARISE CHICAGO WORKER CENTER

CASES: 13-CA-283759
13-CA-284828
13-CA-304894

ANSWER TO CONSOLIDATED COMPLAINT

Respondent, El Milagro, Inc. (“Respondent”), pursuant to Section 102.20 of the National Labor Relations Board’s Rules and Regulations, as amended, submits the following Answer to the Consolidated Complaint in the above-captioned matter as follows:

Paragraph 1(a): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(a), except to admit that, on or around September 30, 2021, it received by regular mail a charge, designated as Case No. 13-CA-283759.

Paragraph 1(b): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(b), except to admit that, on or around February 15, 2023, it received by regular mail an amended charge, designated as Case No. 13-CA-283759.

Paragraph 1(c): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(c), except to admit that, on or around October 21, 2021, it received by regular mail a charge, designated as Case No. 13-CA-284828.

Paragraph 1(d): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(d), except to admit that, on or around November 3, 2021, it received by regular mail an amended charge, designated as Case No. 13-CA-284828.

Paragraph 1(e) Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(e), except to admit that, on or around February 15, 2023, it received by regular mail a second amended charge, designated as Case No. 13-CA-284828.

Paragraph 1(f): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(f), except to admit that, on or around October 11, 2022, it received by regular mail a charge, designated as Case No. 13-CA-304894.

Paragraph 1(g): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(g), except to admit that, on or around December 9, 2022, it received by regular mail an amended charge, designated as Case No. 13-CA-304894.

Paragraph 2(a): Admitted.

Paragraph 2(b): Admitted.

Paragraph 2(c): Admitted.

Paragraph 3(a): Denied.

Paragraph 3(b): Respondent admits only that an individual by the name of (b) (6), (b) (7)(C) is employed by Respondent and is a supervisor within the meaning of Section 2(11) of the Act. Otherwise, denied.

Paragraph 4(a): Respondent denies the allegations in Paragraph 4(a).

Paragraph 4(b): Respondent denies the allegations in Paragraph 4(b).

Paragraph 4(c): Respondent denies the allegations in Paragraph 4(c).

Paragraph 4(d)(i-v): Respondent denies the allegations in Paragraph 4(d)(i-v).

Paragraph 4(e)(i-ii): Respondent denies the allegations in Paragraph 4(e)(i-ii).

Paragraph 4(f): Respondent denies the allegations in Paragraph 4(f).

Paragraph 4(g): Respondent denies the allegations in Paragraph 4(g).

Paragraph 4(h)(i-v): Respondent denies the allegations in Paragraph 4(h)(i-v).

Paragraph 4(i): Respondent admits the allegations in Paragraph 4(i).

Paragraph 4(j): Respondent denies the allegations in Paragraph 14(j).

Paragraph 4(k): Respondent denies the allegations in Paragraph 4(k)

Paragraph 5(a): Respondent denies the allegations in Paragraph 5(a).

Paragraph 5(b): Respondent denies the allegations in Paragraph 5(b).

AFFIRMATIVE DEFENSES

Without assuming any burden of proof, persuasion, or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Respondent asserts the following defenses:

1. The allegations in the Complaint are barred by Section 10(b) of the National Labor Relations Act, as amended.

2. The allegations in the Complaint are barred by Section 8(c) of the National Labor Relations Act, as amended

3. The allegations in the Complaint are barred by the doctrine of unclean hands.

4. The allegations in the Complaint should be dismissed because Respondent has acted in good faith and in reliance on existing Board, appellate court, and Supreme Court precedent.

5. The allegations in the Complaint should be dismissed because the General Counsel's actions in bringing the Complaint are ultra vires.

6. The allegations in the Complaint should be dismissed because the General Counsel was not lawfully appointed as required by applicable law.

7. The allegations in the Complaint should be dismissed for failure to comply with the Administrative Procedure Act.

8. The allegations in the Complaint should be dismissed because the conduct alleged in the Complaint restricts Respondent's rights under the Constitution of the United States, including Respondent's First Amendment rights.

9. The allegations in the Complaint should be dismissed because the conduct alleged in the Complaint restricts Respondent's free speech rights under Section 8(c) of the National Labor Relations Act, as amended.

10. The allegations in the Complaint should be dismissed because they are insufficient to state a violation of the National Labor Relations Act, as amended.

11. The allegations in the Complaint should be dismissed because they are moot.

12. The allegations in the Complaint are vague and/or ambiguous.

13. The allegations in the Complaint should be dismissed because El Milagro has not interfered with, restrained or coerced any employee in the exercise of any rights that they have under the Act.

WHEREFORE, having fully answered all allegations of the Consolidated Complaint, Respondent respectfully moves that the instant matter be dismissed in its entirety. Respondent expressly reserves the right to amend its Answer to assert additional defenses.

Dated: April 5, 2023



Justin F. Keith
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One International Place
Suite 2000
Boston, MA 02110
Phone: 617.310.6000
Fax: 617.310.6001
Justin.Keith@gtlaw.com

Attorneys for EL MILAGRO, INC.

CERTIFICATE OF SERVICE

The undersigned counsel for the Employer, EL MILAGRO, INC., hereby certifies that he caused a true and correct copy of the foregoing:

Answer to the Consolidated Complaint

to be served by electronic mail upon the following parties of record on this 5th day of April, 2023:

Angie Cowan Hamada
Regional Director
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street
Suite 808
Chicago, IL 60604-2027
nlrregion13@nlr.gov

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Arise Chicago Worker Center
1700 West Hubbard St., Suite 2E
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Chicago, IL 60622
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Justin F. Keith

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

EL MILAGRO, INC.
EL MILAGRO, LLC

and

ARISE CHICAGO WORKER CENTER

CASES: 13-CA-283759
13-CA-284828
13-CA-304894

AMENDED ANSWER TO CONSOLIDATED COMPLAINT

Respondent, El Milagro, Inc. (“Respondent”), pursuant to Section 102.23 of the National Labor Relations Board’s Rules and Regulations, as amended, submits the following Amended Answer to the Consolidated Complaint in the above-captioned matter as follows:

Paragraph 1(a): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(a), except to admit that, on or around September 30, 2021, it received by regular mail a charge, designated as Case No. 13-CA-283759.

Paragraph 1(b): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(b), except to admit that, on or around February 15, 2023, it received by regular mail an amended charge, designated as Case No. 13-CA-283759.

Paragraph 1(c): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(c), except to admit that, on or around October 21, 2021, it received by regular mail a charge, designated as Case No. 13-CA-284828.

Paragraph 1(d): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(d), except to admit that, on or around November 3, 2021, it received by regular mail an amended charge, designated as Case No. 13-CA-284828.

Paragraph 1(e) Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(e), except to admit that, on or around February 15, 2023, it received by regular mail a second amended charge, designated as Case No. 13-CA-284828.

Paragraph 1(f): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(f), except to admit that, on or around October 11, 2022, it received by regular mail a charge, designated as Case No. 13-CA-304894.

Paragraph 1(g): Respondent lacks information and knowledge sufficient to form a belief as to the allegations in Paragraph 1(g), except to admit that, on or around December 9, 2022, it received by regular mail an amended charge, designated as Case No. 13-CA-304894.

Paragraph 2(a): Admitted.

Paragraph 2(b): Admitted.

Paragraph 2(c): Admitted.

Paragraph 3(a): Denied.

Paragraph 3(b): Respondent admits only that an individual by the name of (b) (6), (b) (7)(C) is employed by Respondent and is a supervisor within the meaning of Section 2(11) of the Act. Otherwise, denied.

Paragraph 4(a): Respondent denies the allegations in Paragraph 4(a).

Paragraph 4(b): Respondent denies the allegations in Paragraph 4(b).

Paragraph 4(c): Respondent denies the allegations in Paragraph 4(c).

Paragraph 4(d)(i-v): Respondent denies the allegations in Paragraph 4(d)(i-v).

Paragraph 4(e)(i-ii): Respondent denies the allegations in Paragraph 4(e)(i-ii).

Paragraph 4(f): Respondent denies the allegations in Paragraph 4(f).

Paragraph 4(g): Respondent denies the allegations in Paragraph 4(g).

Paragraph 4(h)(i-v): Respondent denies the allegations in Paragraph 4(h)(i-v).

Paragraph 4(i): Respondent denies the allegations in Paragraph 4(i).

Paragraph 4(j): Respondent denies the allegations in Paragraph 14(j).

Paragraph 4(k): Respondent denies the allegations in Paragraph 4(k)

Paragraph 5(a): Respondent denies the allegations in Paragraph 5(a).

Paragraph 5(b): Respondent denies the allegations in Paragraph 5(b).

AFFIRMATIVE DEFENSES

Without assuming any burden of proof, persuasion, or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Respondent asserts the following defenses:

1. The allegations in the Complaint are barred by Section 10(b) of the National Labor Relations Act, as amended.

2. The allegations in the Complaint are barred by Section 8(c) of the National Labor Relations Act, as amended

3. The allegations in the Complaint are barred by the doctrine of unclean hands.

4. The allegations in the Complaint should be dismissed because Respondent has acted in good faith and in reliance on existing Board, appellate court, and Supreme Court precedent.

5. The allegations in the Complaint should be dismissed because the General Counsel's actions in bringing the Complaint are ultra vires.

6. The allegations in the Complaint should be dismissed because the General Counsel was not lawfully appointed as required by applicable law.

7. The allegations in the Complaint should be dismissed for failure to comply with the Administrative Procedure Act.

8. The allegations in the Complaint should be dismissed because the conduct alleged in the Complaint restricts Respondent's rights under the Constitution of the United States, including Respondent's First Amendment rights.

9. The allegations in the Complaint should be dismissed because the conduct alleged in the Complaint restricts Respondent's free speech rights under Section 8(c) of the National Labor Relations Act, as amended.

10. The allegations in the Complaint should be dismissed because they are insufficient to state a violation of the National Labor Relations Act, as amended.

11. The allegations in the Complaint should be dismissed because they are moot.

12. The allegations in the Complaint are vague and/or ambiguous.

13. The allegations in the Complaint should be dismissed because El Milagro has not interfered with, restrained or coerced any employee in the exercise of any rights that they have under the Act.

14. The allegations in the Complaint should be dismissed because the individuals identified in Paragraphs 3(a) and 4 of the Complaint were not agents of El Milagro under applicable law, including but not limited to Section 2 of the Act.

WHEREFORE, having fully answered all allegations of the Consolidated Complaint, Respondent respectfully moves that the instant matter be dismissed in its entirety. Respondent expressly reserves the right to amend its Answer to assert additional defenses.

Dated: June 30, 2023



Justin F. Keith
Greenberg Traurig, LLP
One International Place
Suite 2000
Boston, MA 02110
Phone: 617.310.6000
Fax: 617.310.6001
Justin.Keith@gtlaw.com

Attorneys for EL MILAGRO, INC.

CERTIFICATE OF SERVICE

The undersigned counsel for the Employer, EL MILAGRO, INC., hereby certifies that he caused a true and correct copy of the foregoing:

Amended Answer to the Consolidated Complaint

to be served by electronic mail upon the following parties of record on this 26th day of June, 2023:

Angie Cowan Hamada
Regional Director
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street
Suite 808
Chicago, IL 60604-2027
nlrregion13@nlrb.gov

(b) (6), (b) (7)(C)
Arise Chicago Worker Center
1700 West Hubbard St., Suite 2E
Chicago, IL 60622

(b) (6), (b) (7)(C)
Arise Chicago Worker Center
1700 West Hubbard St, Suite 2E
Chicago, IL 60622
(b) (6), (b) (7)(C)
@arisechicago.org

Emily O’Neill
Field Attorney
National Labor Relations Board
Region 13
219 South Dearborn Street, Suite 808
Chicago, IL 60604
oneill@nlrb.gov



Justin F. Keith

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

**IN THE MATTER OF
El Milagro, Inc.**

**Cases 13-CA-283759,
13-CA-284828,
13-CA-304894**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English, Spanish, and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in the following facilities: 3050 W 26th St, Chicago, IL 60623; 3120 W 36th St, Chicago, IL 60632; 2919 S Western Ave, Chicago, IL 60608; 2759 S Kedzie Ave, Chicago, IL 60623; and 2140 S Western Ave, Chicago, IL 60608. If the Employer’s place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer’s place of business re-opens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

READING OF NOTICE—The Charged Party will hold a meeting or meetings, scheduled during regularly scheduled working hours on each shift at each location listed in the Posting of Notice paragraph, at which a responsible management official of the Charging Party in the presence of a Board Agent or, alternatively, a Board Agent in the presence of a responsible management official of the Charged Party will read the Notice in English and Spanish. The reading will take place at a time when the Charged Party would customarily hold meetings and must be completed between the beginning of the posting period and prior to the completion of the 60-day Notice posting period. The date and time(s) of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Charged Party normally announces meetings and must be approved by the Regional Director.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

Initials: _____ (b) (6), (b) (7)(C) _____

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____
Initials (b) (6), (b) (7)(C)

No _____
Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Complaint previously issued on March 23, 2023, in the instant case(s). Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Initials: _____
(b) (6), (b) (7)(C)

Charged Party El Milagro, Inc.		Charging Party Arise Chicago Worker Center	
By:	Date	By:	Date
/s/ (b) (6), (b) (7)(C)	6/30/2023	/s/ (b) (6), (b) (7)(C)	6/30/2023
Print Name and Title below (b) (6), (b) (7)(C)		Print Name and Title below (b) (6), (b) (7)(C)	
Recommended By:	Date	Approved By:	Date
/s/ <u>Emily O'Neill</u>	6/30/2023	/s/ <u>Angie Cowan Hamada</u>	7/11/2023
Emily O'Neill Field Attorney, Region 13		Angie Cowan Hamada Regional Director, Region 13	

Initials: _____ (b) (6), (b) (7)(C) _____

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees and to voice workplace concerns and **WE WILL NOT** interfere with that right by

- Telling you not to sign documents or seek assistance with outside organizations or a union;
- Telling you that you could lose vacation or other benefits because of your union activity or working together to improve working conditions;
- Suggesting that the Company could go under if you work together to improve working conditions;
- Telling you that you could lose your job and that we will report you and have (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) if you work together to improve working conditions and that outside organizations cannot help you (b) (6), (b) (7)(C) ;
- Threatening you with reprisals because you engage in protected concerted activities.
- Making it appear that we are watching to see if you are engaging in protected concerted activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

El Milagro, Inc.

(Employer)

Dated: 6/30/2023

By: /s/ (b) (6), (b) (7)(C)
(Representative)

(b) (6), (b) (7)(C)
(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National

Initials:

(b) (6), (b) (7)(C)

Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Telephone: (312)353-7570
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials:

(b) (6), (b) (7)(C)



NOTICE TO EMPLOYEES



**POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD**

AN AGENCY OF THE UNITED STATES GOVERNMENT

El Milagro, Inc.

Cases 13-CA-283759, 13-CA-284828, and 13-CA-304894

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees and to voice workplace concerns and **WE WILL NOT** interfere with that right by

- Telling you not to sign documents or seek assistance with outside organizations or a union;
- Telling you that you could lose vacation or other benefits because of your union activity or working together to improve working conditions;
- Suggesting that the Company could go under if you work together to improve working conditions;
- Telling you that you could lose your job and that we will report you and have (b) (6), (b) (7)(C) if you work together to improve working conditions and that outside organizations cannot help you (b) (6), (b) (7)(C);
- Threatening you with reprisals because you engage in protected concerted activities.
- Making it appear that we are watching to see if you are engaging in protected concerted activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

El Milagro, Inc.

(Employer)

Date: _____

By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/ttv> (link is external), calling one of its toll-free numbers and asking its Communications Assistant to call our toll-free number at 1-844-762-NLRB.

219 South Dearborn Street, Suite 808
Chicago, Illinois 60604

Telephone: (312) 353-7570
Hours of Operation: 8:30 a.m. to 5:00 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Regional Office's Compliance Officer, Cristina Ortega at (312)353-7169.